

II. REMARKS

Claims 23, 24, 28, 30-37 and 40-44 are pending in the subject application and stand rejected under various provisions of 35 U.S.C. By this Amendment and response, claims 23, 24, 28, 40 and 44 have been amended. Amended claims 23, 24, 28, 30-37 and 40-44 are presently under examination.

The above noted amendments to the claims are made without prejudice or disclaimer and are not intended to be a dedication to the public the subject matter of the claim or its equivalents as filed or previously amended. Applicant reserves the right to pursue the claims as originally filed and further amended in a later filed continuation application.

The amendments to the claims do not raise an issue of new matter and entry thereof is respectfully requested. In view of the remarks which follow, reconsideration and withdrawal of the objection to the disclosure and rejections of the claims is respectfully requested.

Objection to the Disclosure

The disclosure was objected to for informalities in the claims. The claims have been amended in accordance with the Office's suggestions. In view of these amendments, reconsideration and withdrawal of the rejection is respectfully requested.

35 U.S.C. § 112, Second Paragraph

Claims 23, 24, 28, 30-37 and 40-44 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for allegedly failing to particularly point and distinctly claim the subject matter that Applicant regards as the invention. The Office objected to the use of the term "of each section" in claims 23 and 28 and requested deletion of the term. The Office also argued that claim 24 was inconsistent with claim 23, and requested that "at least three" be substituted for "at least two" in claim 24 to remove the inconsistency. The Office also noted that claim 28 contradicts itself for this same reason.

Without conceding the correctness of the Office's position, claims 23 and 24 have been amended as requested by the Office. With respect to claim 28, however, Applicant's attorney traverses the rejection and respectfully requests that the Office point out the alleged ambiguity.

In view of the above amendments and remarks, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph is respectfully requested.

35 U.S.C. § 102/§ 103

Claims 23, 24, 28, 30-37 and 40-44 remain rejected under 35 U.S.C. § 102 as allegedly anticipated by Silvestrini, U.S. Patent No. 5,300,118 (the '118 Patent). The Office noted that since the applied reference has a common inventor and earlier effective U.S. filing date, the objection may be overcome by showing that any invention disclosed but not claimed in the reference was derived from the inventor of the subject application and therefore, is not a reference by another.

Attached to this reply is a Declaration Under 37 C.F.R. § 1.132 signed by the common inventor, Thomas Silvestrini, as requested by the Office. In view of this submission, reconsideration and withdrawal of the rejection is respectfully requested.

Supplemental Information Disclosure Statement

Attached to this Reply and Request for RCE is a Supplemental Information Disclosure Statement and cited reference for consideration and entry into the application file.

III. CONCLUSION

No fee, other than the fee for the one month extension of time, is deemed necessary in connection with the filing of this reply. However, if the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions

and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing billing number 7004204001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account. Should a telephone interview advance prosecution of the subject application, the Examiner is invited to contact the undersigned at (650) 849-4950.

Respectfully submitted,

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